



LEXINGTON-FAYETTE URBAN COUNTY COUNCIL

STORM WATER FEE TASK FORCE COMMITTEE

18 DECEMBER 2008

9:00 AM

AGENDA

- I. Introductions / Opening Remarks – Gorton
- II. Stormwater Fee Proposal Presentation – Taylor/Martin
- III. Discussion of How Do We Move Forward – Gorton
- IV. Closing Remarks

SUMMARY

Storm Water Fee Task Force

December 18, 2009

9:00 AM

5th Floor Conference Room – Government Center

Committee members in attendance: Council Members Linda Gorton (Chair), Don Blevins, Tom Blues, Andrea James, and Kevin Stinnett.

LFUCG staff in attendance: Darryl Bennett, Julian Beard, Patrick Brewer, Ed Gardner, Julie Mantrom, Charlie Martin, Melynda Milburn, Bill O'Mara, Joe Schuler, Scott Seymour, Cheryl Taylor

Guests in attendance: Sara Beth Blankenship, David Boggs, John Cobb, Amanda Gumbert, John-Mark Hack, Chad Harpole, Doug Noel, Van Meter Pettit, Keith Readling, John Slone, Scott Smith, Joseph Taraba, Emma Tibbs, Knox VanNagell, Richard Walker

Chairwoman Gorton called the meeting to order at 9:03 AM.

Mr. Martin gave his presentation entitled Stormwater Management Fee Implementation (see packet). The floor was then opened to questions.

CM James asked what was meant by the abatement of flooding.

Mr. Martin replied he uses the term abatement rather than eliminate flooding.

CM James responded the term needs to be defined and she liked the way Mr. Martin used the term. She then asked if we were also talking about preventative measures.

Mr. Martin replied that was correct. He said we need a comparison of the cost of lowering the water level versus tearing down houses to determine what is most cost effective.

CM James then directed her question to slide number eight of the presentation. She stated street sweeping is an essential part of the stormwater infrastructure. She asked if there are other divisions that are an essential part of this program in other cities, such as Forestry.

Mr. Martin replied there are people spread throughout divisions that could be included in the program. He said it is done different ways in different cities. He

gave the example of greenways being an example within LFUCG that have too many divisions involved and stated we want to resolve that. He then went on to inform the committee that Durham, NC gives a credit to businesses which recycle at their business. He stated there are a lot of good programs out there and many good options for Lexington. He mentioned everyone needs to remember there is a cost associated with implementing all such programs.

CM James then asked if \$250,000 for litter was going to be enough money. She stated CM Blues and herself had been working with a neighborhood and had allocated \$40,000 for inserts for one neighborhood.

Commissioner Taylor responded it won't be enough, she said we already spend a tremendous amount on cleaning up after people. She said it is essentially seed money. She made the comment her office receives as many complaints on litter as they do on anything else. Commissioner Taylor said we need to educate and then hold people accountable.

Mr. Martin stated it is mainly to elevate the issue of litter and make it a more visible issue. He said he hopes to get the community to take pride in not littering.

Commissioner Taylor added the litter problem could really be classified as any division's problem. She said the \$250,000 is to give the Division of Water Quality some seed money to start a program since litter has such a large impact on water.

CM James stated there was mention of areas that could become bio swales. She said Code Enforcement cites lots which are nondevelopable or unbuildable and suggested with the Land Bank we could potentially put them into a Greenway Master Plan.

Mr. Martin replied he is familiar with them and has them on his radar screen. He said there is really an opportunity for quality of life enhancement with greenways and trails. He stated we need to be committed to maintaining them.

Commissioner Taylor stated we are taking the initiatives to begin the program and we will need to begin to deliver measurable results in the future. She said the committee will need to decide their priorities.

CM James said in reaching our objective of targeting young people, we should consider bringing them to the table. She stated she would be willing to assist with that.

Mr. Martin replied there is no shortage on the number of people that want to help with the public education piece.

CM James asked if we do direct billing ourselves, if not, if we should do it and save the administrative cost that we would send out.

Mr. Martin replied he did not know if we do or do not.

Mr. O'Mara replied he thought we would create more overhead if we do it in-house. He said it would have to be determined if the fee would be monthly or yearly. He stated there were four scenarios: doing it in-house, doing it as part of the property tax bill, doing it as part of the monthly water bill or hiring someone outside to create the bill. He said the recommendation is to pursue the option of having it billed on the monthly water bill.

CM Gorton stated this was a topic which should be discussed as a full meeting.

CM James then asked if modeling was a requirement of the Consent Decree and an estimate of the cost associated with it.

Mr. Martin replied it is not required.

Mr. Bennett stated the cost of modeling is \$750,000 and an additional \$250,000 for mapping.

CM Gorton replied once the modeling is complete, it can be used for years to come.

Mr. Martin added there is a model maintenance cost. He said it is real important that as things are changed, the model be changed as well. He said the initial annual costs will go down, but with the more changes, there will always be model maintenance costs.

Commissioner Taylor stated with a model and the data, it will help in making informed decisions.

CM Gorton asked Commissioner Taylor if they could tell us what is done with modeling and what there is to do at some point in the future.

Mr. Bennett replied with the partial funding they have been receiving, they have only been able to collect data after rainfall events.

Mr. Martin responded if he didn't have a map of the system, he couldn't have modeling.

CM James asked for examples of annual small capital projects that the \$750,000 would be used for.

Mr. Martin replied some examples would include a catch basin that had been run over by a truck on a corner that no longer works and catch basins in Green Acres that were never tied in or not tied in properly.

CM James asked if there will be a list of these small capital projects.

Mr. Martin replied a list of the ones that currently exist would be exhaustive, but he could create a list of examples that would fall into this category.

CM Blues asked if this would include inserts.

Mr. Martin replied it could, but we still have to maintain the inserts.

CM James asked about flood proofing.

Mr. Martin stated we would have to discuss flood proofing, but it was not currently included in there.

CM James asked if the list, "Comparison of Other Kentucky Communities" could be broadened to include smaller units.

Mr. Martin replied he would send the broader list to CM Gorton.

CM Blevins asked if modeling is done at the funding level in the presentation, how many years it would take to complete.

Mr. Bennett answered four years, maybe five.

Mr. Martin said there will need to be a needs assessment.

CM Blevins replied he saw the two pieces he just mentioned as similar to Sanitary Sewer Assessment (SSA). He said four years was a little slow for his taste. He stated there is a list in Storm Water Oversight Committee (SWOC) with \$133 million and it is all residential. He said considering it is all water quantity and not water quality there would be an estimated amount of 30% more money needed for water quality aspects, while they are doing the water quantity issues. He stated once non-residential was added it would become a \$250 million problem, if not more. CM Blevins said by throwing \$3 million a year it would take 83 years to finish. He said that was not acceptable. He also stated that debt service was not mentioned in the presentation.

Mr. Martin replied he has talked to Kyna Koch. He said the \$3 million could become debt service, but in this format, it is cash flow. He said that could be altered.

CM Blevins said the key decision is what year event the committee wants to set as the goal. He said that in turn will drive the cost model, which in turn will drive the amount of revenue we will need to collect. He suggested this be decided at the next meeting.

Commissioner Taylor said there is a list of key decisions that will need to be made.

CM Blevins asked if education was meant to be an advertisement campaign or more of an approach focused at schools. He said if you want to change the culture view through an advertisement campaign, it would cost around \$50,000 a year, for around four to five years.

Commissioner Taylor replied we have an opportunity to have a comprehensive environmental campaign that is integrated. She said they are interested in a professional group doing an advertising campaign targeted at water quality. She said Northern Kentucky did this and had a very good model. She stated we need to do a better job of getting information to young people early in life. She said there are three main components: educate the public, educate our future citizens and hold people accountable.

CM Blevins stated there are two things he felt were critically important. The first is being able to use an integrated approach across all divisions, such as Texas' campaign through bumper stickers "Don't Mess with Texas." The second is being able to outsource the design to professionals.

Commissioner Taylor said we also need to measure what we are doing.

CM Stinnett thanked Commissioner Taylor and Mr. Martin for their presentation and said he felt a whole meeting could be spent on the capital projects list. He said current projects and what criteria and standards we are using could also be included. He said \$3 million a year is not enough money for home flooding. He asked if we have the necessary personnel and if not, what the implementation timeline was.

Mr. Martin responded we need 27 additional bodies, he said there would be more information at an upcoming meeting. He said it is necessary to acquire an existing facility or an adjoining property. He said he planned to have a storm water fee in place by the fourth quarter. He stated he had made 2009 about the organizational chart.

CM Stinnett asked if property was included in the costs.

Mr. Martin replied indirect costs are included in the presented costs; it is just a matter of moving them.

CM Blues asked if we could move faster if we find an existing building.

Mr. Martin replied we are looking at that now, but it is very preliminary.

Commissioner Taylor said it is about what is the best value. She said Northern Kentucky put in a building with a park around it. She stated it is also necessary to find functional space.

CM Stinnett stated there was a cost listed for street sweeping at \$1.06 million and asked if Mr. Martin was proposing keeping that part of the Urban Services tax on the books.

Mr. Martin replied that was Council's decision to make, the Urban Services tax could be reduced if street sweeping costs were allocated to a storm water fee.

CM Stinnett asked about the leaf collection system. He said the city is spending close to \$1 million and about 75% of the city is not benefited from it.

Mr. Martin said it's not factored in right now. He went on to say they are working with Fox 56 on some seasonal public service announcements.

CM Stinnett asked who would be responsible for the enforcement and what their legal power would be.

Mr. Martin replied his folks would be the inspectors and would be doing compliance assistance, all the way up through issuing NOV's. They would then give recommendations to the enforcement section in Commissioner Taylor's group. He stated there would be monetary fines associated with the offenses, which would include any illicit discharge. He said it is really about changing behaviors.

Commissioner Taylor stated the same model is used at the state level. She said there is only one inspector however, so the local level is still held accountable. She stated if there is a "problem" person or situation, it would be turned over and it would be reported through Susan Bush.

Mr. Martin stated in the storm water fee there is funding for nine Environmental Quality Inspectors.

CM Stinnett said he was more concerned with the consequences being cut and dry for everyone after a certain amount of violations and there were no gray areas.

Mr. Martin replied they are working with Law and trying to resolve that issue.

CM Stinnett said this would free up revenues from the General Fund and asked if the current debt service we are paying was figured in.

Mr. Martin replied it is not figured in.

CM Stinnett asked if the money would return to the General Fund and be spread amongst all divisions or how it would be spent. He stated this would be important to share with the public.

Commissioner Taylor responded any expense that could be brought over on to the fee that would be appropriate would then be money that choices could be made about.

CM Blues asked if there would be universal street cleaning.

Mr. Martin replied he just picked up the existing cost and moved it over. He stated the way it is tweaked is at the leisure of Council.

Ms. Mantrom stated if street cleaning is made universal (to include outside of the Urban Service Boundary), it would be a larger expense.

CM Gorton then asked the committee to discuss how to move forward. She asked Mr. Martin to begin the next meeting with discussion of the organizational chart. She informed the committee they had been charged with reporting back in 60 days (first part of February) and had been asked to look at what has been proposed and fill in any gaps that may be missing.

CM Gorton then listed potential issues to be examined and tasks to be completed:

1. Detail of the Fee
 - a. Revenues
 - b. Expenses
 - c. Billing
2. Credits/Methodology for Fee Level
 - a. ERU's
 - b. Incentives
3. Education Campaign
4. Hear from the Community
 - a. Public Meeting
 - b. Fayette County Public Schools, University of Kentucky, Transylvania University, Fayette County Neighborhood Council, Lexmark, Chamber, Churches, Bluegrass Community Technical

College, Farm Bureau, Homebuilders, Realtors, Community Action, Non-profits, Hospitals, Shopping Centers, Others

5. Meeting Schedule
6. What Year Event do we Fund?
7. Rural Service Area Issues

Mr. Martin stated they had really struggled with a fee associated with rural areas but the storm water permit requires extending some level of water quality oversight to the county line.

CM Stinnett stated there could be a meeting on incentives and non-residential all together.

CM Blevins said ultimately we would like to produce an ordinance to present to Council.

After discussion it was decided at the beginning of the next meeting the committee would be briefed on information and thoughts relating to what year event to fund and make a decision during the first half and spend the remainder going through the organizational structure.

CM Blevins suggested if anyone wanted to submit comments, they do so in writing and the committee members would review them before the next meeting.

CM Gorton then suggested Thursdays from 9-11 AM for future meetings and it was agreed, with January 8th being the next meeting and continuing weekly at the same time.

The meeting was then adjourned at 11:00 AM.